

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)	
)	
Hyuan Choi)	
t/a Virginia Market)	License No. 80800
)	Order No. 2010-379
Applicant for Single Sales)	
Exception to a Retailer's)	
Class B License)	
at premises)	
1776 U Street, N.W.)	
Washington, D.C. 20009)	
)	

Hyuan Choi, t/a Virginia Market, Applicant

Will Stephens, Chair, Advisory Neighborhood Commission (ANC) 2B

BEFORE: Nick Alberti, Acting Chairperson
Donald Brooks, Member
Calvin Nophlin, Member
Mike Silverstein, Member

**ORDER ON APPLICATION FOR EXCEPTION
TO SINGLE SALE MORATORIUM AND ON VOLUNTARY AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Hyuan Choi, t/a Virginia Market, Applicant for Exception to Single Sales Restriction, located at 1776 U Street, N.W., Washington, D.C. 20009, and Will Stephens, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 2B (collectively, the Parties) have entered into a Voluntary Agreement (Agreement) dated May 5, 2010, setting forth the terms and conditions that govern the operation of the Applicant's establishment and incorporating an agreement to waive the single sales restriction.

The Applicant does not have any primary or secondary tier violations within 12 months preceding the date of the application and the ANC supports this request, as demonstrated in the Voluntary Agreement among the Parties to waive the single sales restriction for this establishment subject to the terms and conditions therein. For these reasons, the Board finds no significant adverse impacts and grants the Application. The Agreement has been reduced to writing and has been properly executed and filed with the

Hyuan Choi, t/a Virginia Market
License No. 80800
Page Two


Board. The Applicant and Chairperson Will Stephens are signatories to the Agreement.

Accordingly, it is this 7th day of July 2010, **ORDERED** that:

1. The Application filed by Hyuan Choi, t/a Virginia Market, for an Exception to the Single Sales Restriction at the location of 1776 U Street, N.W., Washington, D.C., is **GRANTED**;
2. The Board's approval of this Application is limited to one year from the date of this Order;
3. The above-referenced Voluntary Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant and to ANC 2B.

Hyuan Choi, t/a Virginia Market
License No. 80800
Page Three

District of Columbia
Alcoholic Beverage Control Board




Nick Alberti, Acting Chairperson



Donald Brooks, Member



Calvin Nophlin, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 1250 U Street, N.W., 3rd Floor, Washington, D.C. 20009.

VOLUNTARY AGREEMENT

This agreement entered into this 5th day of MAY 2010, by and between

VA. Market (You eighteen, LLC)

located at

1776 4th NW
Wash DC 20009

in Washington DC (hereinafter the "Applicant") and Advisory Neighborhood Commission 2B (hereinafter "ANC 2B")

RECITALS

WHEREAS, the District of Columbia has enacted legislation banning the sale of certain sizes of malt liquor or ale, and including half pints or less of spirits in Wards 2 and 6; and

WHEREAS, there are provisions in that legislation to allow licensees to seek a waiver; and

WHEREAS, the Applicant has come before ANC 2B with an exemplary record, seeking a waiver and the parties desire to enter into a Voluntary Agreement in order to facilitate a waiver, and

NOW, therefore, in consideration of the Recitals set forth above, and the mutual covenants and agreements set forth, the parties agree as follows:

1. The Applicant will manage and operate an establishment which includes the sale of, malt liquor or ale, and including half pints or less of spirits. Applicant is authorized to sell, give, offer, expose for sale or deliver or deliver beer, malt liquor or ale with a capacity of 70 ounces or less, and to sell spirits, including half pints or less of spirits. Any change from this model shall be considered by both Parties to be a substantial change in operation of great concern to residents and requires prior approval by the Board.
2. The Applicant and the ANC agree with the Council's aim to curtail public drunkenness, antisocial behavior and public urination. But they also agree that some products that would be affected by the single sales ban are generally not associated with unsocial behavior. This agreement is an application to waive the single sales ban to allow the Applicant to sell products of a high quality that do not impact negatively the quality of life in the neighborhood. The Applicant agrees to work with the ANC on joint efforts to curtail public drunkenness and associated anti-social behavior.

3. After one year from the date of the law, the ANC may petition the Board to no longer allow the Applicant to sell beer, malt liquor or ale with a capacity of 70 ounces or less and half pints or spirits. The Board shall hold a hearing with both the ANC and the licensee (Applicant?) to consider ANC 2B's request.

IN WITNESS WHEREOF, the parties have executed this Voluntary Agreement as of this day and the year first above written
APPLICANT

By: 

ADVISORY NEIGHBORHOOD COMMISSION 2B

By: 

Mike Silverstein, Chairman

5/12/2010

Will Stephens